



July 25, 2011

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Re: **WT Docket No. 10-4**, Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters; **ET Docket No. 10-142**, Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz; **WT Docket No. 04-356**, Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands; **WT Docket No. 07-195**, Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band; **ET Docket No. 10-237**, Promoting More Efficient Use of Spectrum Through Dynamic Spectrum Use Technologies; **WC Docket No. 06-122**, Universal Service Contribution Methodology.

Dear Ms. Dortch:

On July 22, Harold Feld and John Bergmayer of Public Knowledge (PK) met with Rick Kaplan, Michal McKenzie, John Leibovitz, and Jim Schlichting of the Wireless Telecommunications Bureau, to discuss the Bureau's agenda and to highlight some areas of particular concern to PK.

Consumer Signal Boosters

PK encouraged the Commission to go forward with its plans to license by rule the use of consumer signal boosters, and previewed its comments in booster proceeding. In general, PK believes that there is no one solution to the spectrum crunch, nor is there only one way to improve wireless coverage. Rather, there are many approaches that should be taken simultaneously. One such approach is the use of signal boosters. By licensing the use of these devices by rule, the Commission will improve wireless coverage in marginal areas.

Flexible Use of ATC

While the debate over the LightSquared matter is complex, the basic issues at stake are not. The Commission must provide the private sector with the tools it needs to improve wireless broadband coverage, and satellite ATC spectrum should be on the table for further development. Incumbent spectrum users must be flexible and should allow the Commission to accommodate new uses, because all of the costs of updating a legacy spectrum regime should not necessarily be borne by new entrants.

Dynamic Access Technology for Secondary Markets

PK noted that dynamic spectrum access technology developed for the white spaces database can also be used in secondary markets for spectrum. When considering the options for spectrum policy reform, the Commission and other policymakers should not overlook the potential for real-time auctions, spot markets, and similar innovative approaches to increase the efficient use of spectrum without the need for license reallocation. PK attaches its previously-filed comments on these matters to this filing.

Text Message Classification

PK noted that SMS and short codes are Title II services, and encouraged the Commission to classify them as such. Title II classification will provide users of these services the protection they need against arbitrary and unfair treatment, and will provide the industry with regulatory certainty. This classification issue becomes all the more pressing with regard to USF contributions—as USAC noted, there is no industry consensus on whether to make contributions on text services. If the Commission fails to clarify that SMS and short codes are Title II, it could create the incentive for wireless carriers, who offer bundled plans of voice, text, and data, to structure their accounting in a way to minimize USF contributions, to the detriment of the Commission’s USF reform plans. Further comments on the classification of text messaging services are attached to this letter.

Respectfully submitted,

/s John Bergmayer
Senior Staff Attorney
Public Knowledge

cc:

Rick Kaplan
Michal McKenzie
John Leibovitz
Jim Schlichting